

## **CERTIFICATE OF ELECTRONIC TRANSMISSION**

I hereby certify that this correspondence for Application No. 09/890,177 is being electronically transmitted to Technology Center 3736, via EFS-WEB, on October 19, 2006

/Kevin G. Rooney/  
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October 19, 2006  
Date

**PATENT**

### **IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Warren P. Williamson IV et al.  
Serial No: 09/890,177  
Filing Date: July 27, 2001  
Art Unit: 3736  
Examiner: Brian Scott Szmaj  
Title: APPARATUS AND METHOD FOR HARVESTING AND  
HANDLING TISSUE SAMPLES FOR BIOPSY ANALYSIS  
Conf. No.: 7549  
Atty Docket: BIOP-02

Cincinnati, Ohio 45202

October 19, 2006

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

### **COMMENTS ON STATEMENT FOR REASONS FOR ALLOWANCE**

Sir:

Applicants' counsel notes with appreciation the Notice of Allowability mailed on September 22, 2006. In the Examiner's Statement for Reasons for Allowance, it appears to be suggested that claims 147, 167 and 187 recite that "the tissue support is formed from a material that is resistant to the solvents and chemicals to . . . stain tissue." In fact, however, these three claims state that the support is resistant to degradation from "solvents and chemicals used to fix and process the tissue sample during a histologic procedure" and are silent as to whether the support is

resistant to degradation from solvents and chemicals used to stain tissue. This discrepancy between the actual claim language and the Examiner's reasons for allowance does not appear to have any substantive effect on the allowability of these three claims. The discrepancy is pointed out merely to make it clear on the record that these three claims do not require that the support be resistant to the solvents and chemicals used to stain tissue. If the Examiner is in disagreement with this clarification, he is respectfully requested to contact Applicants' undersigned counsel.

Applicants do not believe that any fees are due in connection with this submission. However, if such petition is due or any fees are necessary, the Commissioner may consider this to be a request for such and charge any necessary fees to Deposit Account No. 23-3000.

Respectfully submitted,

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